

NWANKO v. D.C. RENTAL HOUSING COMMISSION, 542 A.2nd 827 (1988)

Court: D.C. Court of Appeals, opinion by Newman, AJ.

Judicial History: Tenants sought review of decision and order of Rental Housing Commission (RHC) refusing to invalidate rent increase taken by landlord.

Facts: Tenants sought review of a decision of the RHC refusing to invalidate a rent increase taken by their landlord; tenants contended that the rent increases were invalid because the landlord had not given them the requisite 10-day notice of his self-certification that all substantial housing code violations had been abated. The tenants argued that this absence of notice deprived them of their opportunity to contest the issue of abatement of housing code violations and that the RHC was bound by a prior RHC decision which compelled the RHC to rule in their favor. The RHC distinguished and otherwise declined to follow its prior decision by which the tenants contended it was bound. Tenants then brought this appeal.

Holding: The Court of Appeals held that landlord's failure to give ten-day notification of self-certification of abatement did not invalidate landlord's subsequent rent increase absent showing by tenants that property was not in substantial compliance with housing code.

Reasoning: RHC had authority to depart from prior decision holding that violation of ten-day notification of self-certification of abatement of housing violations invalidated rent increase so long as it explained reason for such departure.

Decision: Affirmed.